

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

VICKY RODRÍGUEZ TORRES, et al.

Plaintiffs

v.

GOVERNMENT DEVELOPMENT BANK
FOR PUERTO RICO, et al.

Defendants

CIVIL No. 09-1151 (JP)

TITLE VII VIOLATIONS, AGE &
SEX DISCRIMINATION, TORTS

PLAINTIFF DEMANDS A TRIAL
BY JURY

MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE COURT:

COME NOW defendant the Government Development Bank (“GDB” or “the Bank”), through the undersigned counsel, and very respectfully states, alleges and prays as follows:

1. On February 13, 2009, Vicky Rodríguez (“plaintiff” or “Rodríguez”), Luis R. Maldonado (“Maldonado”), and their conjugal partnership filed the present complaint alleging that Rodríguez suffered age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. §621 *et seq.* (“ADEA”), and Puerto Rico’s Act. No. 100 of June 30, 1959, P.R. Laws Ann. tit. 29, §151, (Act 100); sex discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5, Act 100, and Puerto Rico’s Act. No. 69 of July 6, 1985, P.R. Laws Ann. tit. 29, §1321 *et seq.* (Act 69); discrimination under the Lilly Ledbetter Fair Pay Act of January 29, 2009 (“Lilly Ledbetter”); and deprivation of Rights under section 1983, 42 U.S.C. §1983, for employment discrimination and violations to the Due Process of Law. Plaintiffs also claimed compensation for alleged damages suffered under Article 1802 of the Puerto Rico Civil Code, P.R. Laws Ann. tit. 31, § 5141. Finally, plaintiffs asserted a violation of Rodríguez’ rights to privacy and dignity under the

-2-

provisions of the Article II, sections 1, 8 and 16 of the Constitution of the Commonwealth of Puerto Rico.

2. The uncontested facts, however, will demonstrate that the claims against the GDB should be dismissed. This, inasmuch as: (1) Rodríguez has failed to establish a *prima facie* claim of sex or age discrimination because she was never subject to any adverse employment action and there is no evidence of pretext or discriminatory motive; (2) the conduct complained of was not sufficiently severe or pervasive so as to alter the conditions of her employment and create an abusive working environment and there is no basis for employer liability; (3) plaintiff failed to establish that she had a life, liberty or property interest protected by the Due Process Clause, and plaintiff's claim under §1983 for violation of her right to equal protection are precluded by the ADEA and Title VII providing exclusive remedy for plaintiff's §1983 claim; and (4) plaintiffs failed to state a claim upon which relief may be granted as to the supplemental claims.

WHEREFORE, the GDB respectfully requests that this Honorable Court dismiss the instant case in its entirety, pursuant to Rule 56 of the Federal Rules of Civil Procedure, inasmuch as there is no issue as to any material fact and summary judgment should be entered in defendant's favor as a matter of law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of January, 2010.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties. Parties may access this filing through the Court's system.

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-3-

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